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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Tony Hollingsworth

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EXAMINER

YU, MISOOK

ART UNIT

PAPER NUMBER

1642

MAIL DATE

DELIVERY MODE

07/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Election/Restrictions

Claims 1, 2, and 4-12 are pending and claims 2 remain withdrawn for reason of record, and new claims 9-12 are also withdrawn because they belong to group II invention as set forth in the Office action mailed on 12/12/2005.

Claims 1, 2, and 4-8 are under consideration.

Claim Rejections - 35 USC 102, Maintained

Claim 1 remain rejected and new claims 4-6 are under 35 USC 10(b) as being anticipated by WO 02/058450.

Applicants argue that claimed invention is peptide consisting of SEQ ID NO: 47, which consists of 30 amino acids, while the peptide of the prior art is 43 amino acids. Applicant also states that the sequences in claim 8 is fragment of SEQ ID NO: 47, and applicant requested the Office to search SEQ ID NOs 47-49 in the remark section in response to the previous Office action of the Office's willing to search up to 10 amino acids, the base claim is still drawn to many other sequences. One of them, which is SEQ ID NO: 24 is identical to the sequence in Fig. 14B of the art of the record.

Pro-Ser-Ser-Thr-
Asp-Arg-Ser-Pro-
Tyr (SEQ ID NO: 24)

Art Unit: 1642

WO 02/058450

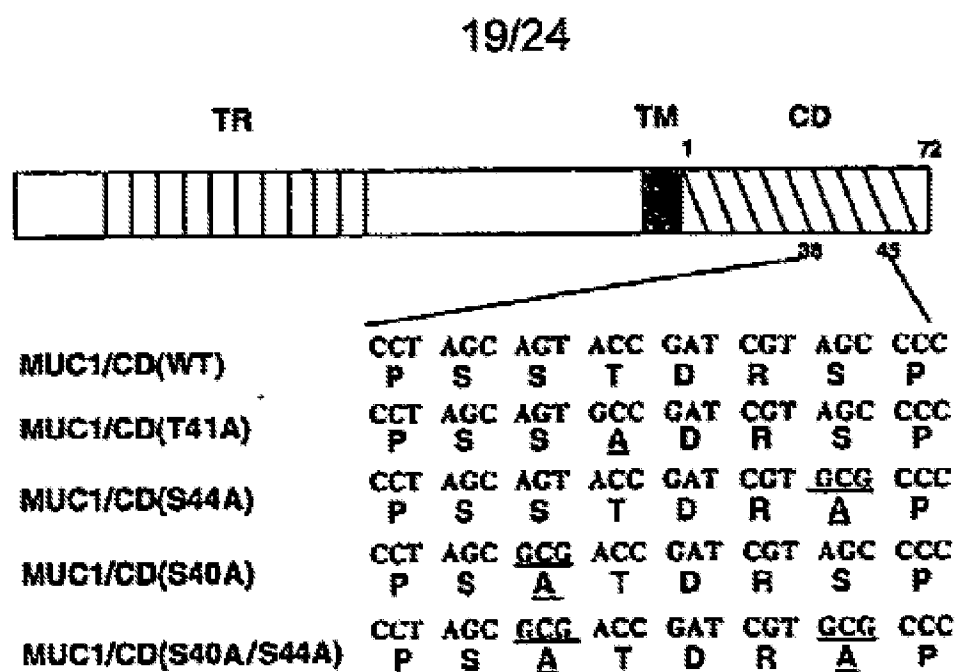


FIG. 14B

Claims 1, 4, 6, and new claims 8 are under 35 USC 10(b) as being anticipated by US Patent 6,548,643, for the reasons set forth previously in the Paper mailed March 17, 2006, Section 7, pages 4-5 for the same reason given above.

SEQ ID NO: 28 of the 643 patent (see below) is identical to SEQ ID NO: 34 of the instant application.

1 5

<200> SEQUENCE CHARACTERISTICS:

<210> SEQ ID NO 28

<211> LENGTH: 9

<212> TYPE: PRT

<213> ORGANISM: Homo sapiens

<400> SEQUENCE: 28

Lys Asn Tyr Gly Gln Leu Asp Ile Phe

The Following is New Ground of Rejection

Double Patenting

Claims 5 and 6 are objected to under 37 CFR 1.75 as being a substantial duplicate of claim 5. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). Both claims are drawn to peptide consisting of SEQ ID NOs 47-49.

Conclusion

Claim 5 is objected to as being dependent upon a rejected base claim.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISOOK YU whose telephone number is 571-272-0839. The examiner can normally be reached on 8 A.M. to 5:30 P.M., every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms can be reached on 571-272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1642

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 1642

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